

**DOCKET FOR REGULAR COUNCIL MEETING OF
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**DOCKET FOR REGULAR COUNCIL MEETING OF
MONDAY, OCTOBER 8, 2001 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS - 12TH FLOOR
202 "C" STREET
SAN DIEGO, CA 92101**

ITEM-1: ROLL CALL.

ITEM-10: INVOCATION.

ITEM-20: PLEDGE OF ALLEGIANCE.

NON-AGENDA PUBLIC COMMENT

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject**, regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue specific items.

SPECIAL ORDERS OF BUSINESS

ITEM-30: Arts and Humanities Month.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-479)

Declaring October 2001 to be "Arts and Humanities Month" in San Diego and

urging San Diegans to participate in and to celebrate the fine arts our community has to offer.

SPECIAL ORDERS OF BUSINESS

ITEM-31: Fire Prevention Week.

COUNCILMEMBER MAIENSCHIEIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-381)

Commemorating the Great Chicago Fire of 1870 which killed more than 250 people, left 100,000 homeless, and destroyed more than 17,400 buildings;

Proclaiming the week of October 7-13, 2001 as "Fire Prevention Week" in the City of San Diego.

SUPPORTING INFORMATION:

Cooking, heating and electrical fires represent three of the nation's leading causes of home fires, and are collectively responsible for nearly half of all home fires and almost one-third of the associated fire deaths. The vast majority of home cooking, heating, and electrical fires can be prevented by taking simple safety precautions. Developing a home fire escape plan and practicing it at least twice a year are critical to escaping a fire safely. Proper installation, testing, and maintenance of smoke alarms are part of a thorough home fire escape plan; people can greatly reduce their risk to fire. The Fire Department of San Diego is dedicated to the safety of life and property from the devastating effects of fire. The members of the fire service are joined by other concerned citizens of San Diego, as well as other emergency service providers and safety advocates, businesses, schools, service clubs, and organizations in their fire safety efforts. The people of San Diego should participate in fire prevention activities at home, work, and school, and to take the steps needed to make their home safe from fires, which includes cooling, heating, and electrical. Therefore, proclaiming the week of October 8-13, 2001 as "Fire Prevention Week" in the City of San Diego.

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NON-AGENDA PUBLIC COMMENT

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COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue specific items.

CONSENT ITEMS

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*). In addition, other items thought to be routine or non-controversial and without any "Request to Speak" slips in opposition may be taken as part of the Consent Agenda.

PLEASE NOTE: ITEMS LISTED ON TODAY'S CONSENT AGENDA (ITEMS 50 -112) THAT ARE PULLED BY THE COUNCIL OR MEMBER OF THE PUBLIC FOR DISCUSSION WILL BE TRAILED AND DISCUSSED AFTER ITEMS ON THE ADOPTION AGENDA (ITEMS 200 - 201).

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

Items 50, and 51.

ORDINANCES TO BE INTRODUCED:

None.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, and 112.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-50: Amending the Legislative Officers Retirement Program.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/24/2001. (Council voted 8-0.

Councilmember Inzunza not present.):

(O-2001-149)

Amending Chapter II, Article 4, of the San Diego Municipal Code by amending Division 1, Section 24.0103, and by amending Division 17, Sections 24.1701-24.1707, pertaining to the Legislative Officers Retirement System to include the elected City Attorney as a member of the program. The amendment also changes the name of the program to the "Elected Officers Retirement Program."

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-51: Removal of Painted Utility Markings in Public Rights-of-Way.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/24/2001. (Council voted 8-0. Councilmember Inzunza not present.):

(O-2002-170)

Amending Chapter VI, Article 2, of the San Diego Municipal Code, by amending Section 62.1105, adding a new Section 62.1106, and renumbering Sections 62.1106 and 62.1107, all relating to the Placement and Removal of Utility Installation Markouts in the Public Right-of-Way.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-100: Montgomery Field Electrical Upgrade Project.

(District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-388)

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Montgomery Field Airport - Airfield Lighting and Signage Rehabilitation, also referred to as the Montgomery Field Electrical Upgrade

Project on Work Order No. 117639;

Authorizing the City Manager to execute a contract with the lowest responsible bidder for the project, including additional alternatives for additional runway lighting improvements;

Authorizing the City Auditor and Comptroller to transfer \$300,000 from Fund 10511, CIP-31-001.0, Annual Allocation - Montgomery and Brown Field Airports to Fund 10520, CIP-31-332.0, Montgomery Field Airport Rehabilitation 2000;

Authorizing the expenditure of an amount not to exceed \$1,720,727 from Fund 10520, CIP-31-332.0, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K02025C)

CITY MANAGER SUPPORTING INFORMATION:

The Montgomery Field Airport Master Plan, adopted July 10, 1994, suggests the existing airport lighting system be rehabilitated. The Airport Master Plan, Environmental Impact Report No. 80-09-34C analyzed potentially significant impacts to the Master Plan. The City of San Diego Annual Budget for FY 1997 Capital Improvement Program identified this Airport Improvement Project.

The existing electrical system for runways and taxiways has aged and has insufficient capacity to meet current and future needs. This Rehabilitation Project will upgrade the entire system to accommodate added loads on the electrical vault to provide additional power required for new lighted guidance signs, also included in this project. This project will enhance airport safety and improve operating efficiency for pilots operating on Runway 28R/10L at Montgomery Field Airport. The Airport Advisory Committee fully supports this much needed project.

FISCAL IMPACT:

Total cost of the project is \$1,958,333 with an FAA grant of \$1,500,000, a matching. CalTrans grant of \$75,000, and a City portion of \$383,333.

Herring/Griffith/ZDB

Aud. Cert. 2200332.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-101: Lake Murray Comfort Station.

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-195)

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Lake Murray Comfort Station on Work Order No. 294470;

Authorizing the City Manager to execute a contract with the lowest responsible bidder;

Authorizing the City Auditor and Comptroller to transfer \$23,200 from Snack Bar Fund No. 10365, Org. 2444, and \$26,200 from Architect Fee Fund No. 10365, Org. 2444, to CIP-29-447.0, Lake Murray Comfort Station;

Authorizing the expenditure of an amount not to exceed \$49,600 from CIP-29-447.0, Lake Murray Comfort Station;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K02020C)

CITY MANAGER SUPPORTING INFORMATION:

This project is to be located south of Golfcrest and east of Park Ridge on the northwest side of Lake Murray within the Lake Murray Community Park in San Diego. The site is presently occupied by storage sheds, snack bar, and gravel parking lots.

The purpose is to build an ADA accessible comfort station with an attached concession stand and a storage room to serve the park's users which include the San Carlos Little League, Navajo Bobby Sox League, and Crusader Soccer. There is no permanent restroom within the park and currently portable restrooms are being used.

The comfort station will provide two stalls, two urinals and two lavatories for the men and four stalls and two lavatories for the women. The concession stand will feature prep-area and utility stub-out for future connection. The storage room will be used for equipment storage. Other improvements will consist of a crosswalk to playing fields, a sidewalk to the main parking lot, utility services and a parking stall for people with disabilities next to the building.

FISCAL IMPACT:

The estimated total project cost is \$246,600 of which \$197,000 has been previously authorized. The additional \$49,600 is available from Snack Bar Fund No. 10365 (\$23,200) and Architect Fee Fund No. 10365 (\$26,400) respectively.

Loveland/Belock/AO

Aud. Cert. 2101220.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

- * ITEM-102: Rejecting All Bids and Re-Advertising for Bids for the Construction of Plastic Service Replacement Group 519.

(See Memorandum from Frank Belock dated 5/24/2001 and Frequently Asked Questions About Group Jobs. Rancho Penasquitos, Scripps Miramar Ranch, Tierrasanta, Clairemont Mesa, Navajo, and Skyline-Paradise Hills Community Areas. Districts-1, 4, 5, 6, and 7.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2001-389)

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Plastic Service Replacement Group 519 on Work Order No. 182621;

Authorizing the City Manager to execute a contract with the lowest responsible bidder;

Authorizing the City Manager to establish contract funding phases and to execute a contract with the lowest responsible and reliable bidder, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of \$673,536 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K01026CA)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 5/30/2001, NR&C voted 3 to 0 to approve. (Councilmembers Peters, Madaffer, and Inzunza voted yea. Councilmember Wear not present.)

CITY MANAGER SUPPORTING INFORMATION:

Water Group 519 (Water Services) proposes the replacement of substandard plastic water services in the following communities: Rancho Penasquitos, Scripps Miramar Ranch, Tierrasanta, Clairemont Mesa, Navajo, and Skyline-Paradise Hills. These water services have experienced re-occurring leaks and need to be replaced from the water main to the meter boxes with copper piping. The project was advertised on September 29, 2000, and the bid opening was conducted on October 25, 2000. Orion Construction Corporation was the only bidder for this project. Orion Construction Corporation's bid was rejected because of its failure to meet the Equal Opportunity Subcontracting Contracting Outreach Program requirements as specified in the contract documents.

Since the original bid opening in September, additional plastic water services have been identified as needing replacement. These additional services have been included in this project and the additional funding requested in this action will be utilized to cover this increase in the scope of work.

FISCAL IMPACT:

The total estimated cost of this project is \$2,537,395 of which \$1,863,859 was previously approved by Council Resolution R-293971. This request of \$673,536 consists of \$130,000 for Engineering and Design, \$514,948 for Construction, \$18,588 for OCIP and Safety, and \$10,000 for Contingencies and related costs. Funding is available in Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, for this purpose. This project will be phase-funded.

Loveland/Belock/HR

WWF-01-498.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-103: Agreement with Powell/PBS&J for Engineering Consulting Services.

(See Larry Gardner's 9/13/2001 memo. Penasquitos East Community Area.

District-1.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-460)

Authorizing the City Manager to execute an agreement with Powell/PBS&J for engineering consulting services;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$394,106 from Water Fund 41500, CIP-70-954.0, North City Reclamation System (Black Mountain Ranch Storage Tank) for the purpose of funding this agreement and related in-house costs;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 9/19/2001, NR&C voted 5-0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

In December 2000, the Water Department completed a Beneficial Reuse Study. This study provides an updated review of the City's existing reclaimed water program and plans for the development of an expanded reclaimed water system to meet the North City Environmental Protection Agency grant goals in a timely and cost-effective manner. The grant goals are to reuse 25 percent of the flows (6 mgd) treated at the North City Water Reclamation Plant (NCWRP) by December 31, 2003 and 50 percent of the flows by December 31, 2010. The three million gallon (3MGD) Black Mountain Storage Tank designed under this agreement is part of a distribution system developed based upon the results and recommendations from the Beneficial Reuse Study. This distribution system will provide reclaimed water to the City of San Diego's Northern Service Area, which extends northward from State Route 52 to the City's northern boundary, and from the coast to the city's eastern boundary with the City of Poway. This system is a collection of seven separate projects. The 3MGD Black Mountain Storage Tank has been sited adjacent to the potable water Black Mountain Reservoir. The storage tank will be visible from the Rancho Penasquitos community, southwest of the site.

The Water Department Request for Qualifications selection process was followed to obtain the services of a design engineering consultant. As part of this process, the Water Department received a short-list of six qualified firms from Contract Services. On May 14, 2001, a Selection

Panel convened and interviewed the short-listed firms. The firms were evaluated on the basis of qualifications including expertise, experience, understanding and approach to the scope of services, and the capability of personnel and subcontractors. Based upon the results of these interviews and subsequent reference checks, PBS&J was selected as the most qualified to provide engineering consulting services.

FISCAL IMPACT:

Funding is available from the Water Department Fund 41500, CIP-70-954.0, North City Reclamation System, in the amount of \$394,106.

Loveland/Gardner/PG

Aud. Cert. 2200337.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-104: Biological Services - Dudek and Associates - Amendment 1.

(See Scott Tulloch's 9/13/2001 memo.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2002-400)

Authorizing the City Manager to execute an amendment to the agreement of March 6, 2000 with Dudek & Associates, Inc., for as-needed biological services to the Metropolitan Wastewater Department;

Authorizing the expenditure of an amount not to exceed \$750,000 from Fund No. 41506.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 9/19/2001, NR&C voted 5-0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

The City entered into an agreement with Dudek and Associates on March 7, 2000 for Dudek to provide biological services for Metropolitan Wastewater Department (MWWD) Capital Improvement Program (CIP) and Wastewater Collection (WWC) Division projects. The original

agreement was for a duration of two (2) years and a not-to-exceed amount of \$500,000. Amendment 1 to the contract would add an additional \$750,000 to the not-to-exceed amount and extend the term of the agreement to March, 2005. Services include all manner of biological resource studies such as surveys, mapping, reporting, construction monitoring, and preparation of conceptual and construction-level habitat restoration mitigation plans as required by permit and environmental regulations.

To date, approximately 77% of the funds encumbered under this contract have been in support of the WWC Division, specifically to document biological impacts and develop mitigation plans for emergency sewer repairs.

Dudek's services would continue to be used for emergency sewer repair, support to MWWD's CIP program, and to investigate biological conditions in canyons and similar biologically sensitive areas where preventive maintenance and sewer rehabilitation projects are proposed. MWWD has a goal to reduce the total number of sewage spills by 25% by 2004. To achieve this goal, maintenance and rehabilitation activities must occur in biologically sensitive areas. Therefore, biological services are necessary to complete the local, state and federal regulatory processes that are required to work in these areas. Dudek and Associates has an excellent relationship with regulatory agencies and has demonstrated a thorough working knowledge of MWWD practices, San Diego biology, and regulatory rules and processes. A contract amendment is most effective and therefore, is recommended.

Subconsultant Participation

In keeping with the City's policy to voluntarily provide subcontracting opportunities to all interested and qualified firms, including certified Disadvantaged Business Enterprises (DBE), Dudek would continue to retain Morena.

Aerial Photo Surveys (DBE) and Tierra Environmental Services (DBE) as members of their consultant team. Due to the nature of this agreement, use of certified subconsultants is dependent upon the tasks authorized.

FISCAL IMPACT:

The cost of the proposed amendment is not to exceed \$750,000.

Loveland/Tulloch/CZ

Aud. Cert. 2200255.

ADOPTION AGENDA, CONSENT ITEMS RESOLUTIONS:

* ITEM-105: Landscape Easement Abandonment in Lot 7 of Map 12438.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-297)

Vacating the landscaping easement as more particularly described in the legal description marked as Exhibit "A," and as shown on Drawing No. 19406-B marked Exhibit "B."

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate a landscaping easement in Lot 7 of Map 12438. This property is located in the Otay Mesa Planning area within Council District 8. This easement is on private property. The only purpose for this public service easement is to allow City staff to maintain landscaping within the easement. No rights are granted to the public. The vacation of this easement will relieve the City of the responsibility to maintain the landscaping within the easement. The Landscaping Maintenance District recommends approval of the easement abandonment. This easement was acquired at no cost to the City. City staff recommends approval of the easement abandonment.

Loveland/Haase/AEA

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-106: Grant to Support Program Entitled "Enhancing Strategies in Community Prosecution."

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-458)

Authorizing the City Attorney to apply for, accept and expend a \$150,000 Grant from the State of California, Department of Justice, to support the program entitled "Enhancing Strategies in Community Prosecution," for the period of July 1, 2001 to December 31, 2002, under the terms and conditions outlined in the letter dated August 17, 2001 to the City Attorney from Attorney General Bill Lockyer;

Declaring that the City agrees to hold the Department of Justice and the State of

California harmless from any liability arising out of the performance of the grant agreement, including court actions or damages, and certifies that the City will not use the grant to supplant local expenditures.

SUPPORTING INFORMATION:

This project is funded through the FY 2000 "Awards for Planning and Implementing Strategies in Community Prosecution." This award to the City of San Diego, City Attorney, is for the enhancement of its existing neighborhood prosecution unit, which was established in 1997.

The City of San Diego, City Attorney, under the "Enhancing Strategies in Community Prosecution" program, will expand and enhance their Neighborhood Prosecution Unit by funding a prosecutor in the downtown area. The prosecutor (in partnership with the San Diego Police Department, other criminal justice agencies, business, and the community) will prosecute crimes that impact public safety and quality of life, including illegal lodging, graffiti, vandalism, lewd acts in local parks, disturbing the peace, loitering, prostitution, and drug activity.

The grant award is contingent upon City Council approval. The proposed resolution authorizes the City Attorney to apply for and enter into a grant agreement with the Department of Justice. It also indemnifies the Department of Justice from any civil suits which might arise from the City Attorney's use of the funds and certifies that the City will not use the grant to supplant local expenditures.

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**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-107: 2001/2002 Spousal Abuser Prosecution Program Grant.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-459)

Authorizing the City Attorney to apply for, accept and expend \$75,000 Spousal Abuser Prosecution Program (SAPP) Grant from the State of California Department of Justice, under the terms and conditions outlined in the letter to Assistant City Attorney Gael Strack from Attorney General Bill Lockyer;

Declaring that the City of San Diego agrees to hold the Department of Justice and the State of California harmless from any liability arising out of the performance of the grant agreement, including court actions or damages, agrees that the City will provide the necessary match of twenty percent (20%) and certifies that the

City will not use the grant to supplant local expenditures.

SUPPORTING INFORMATION:

On November 13, 1994, the City Attorney's Child Abuse/Domestic Violence Unit received notification that they had been awarded a \$60,000 grant from the California Department of Justice for the prosecution of domestic violence cases. The money has been used to enhance the advocacy and investigative efforts of the Unit.

The funding has been approved annually ever since 1994. The grant award is contingent upon City Council approval. The proposed resolution authorizes the City Attorney to apply for and enter into a grant agreement with the Department of Justice. It also indemnifies the Department of Justice from any civil suits which might arise from the City Attorney's use of the funds and certifies that the City will not use the grant to supplant local expenditures.

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ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-108: Reprogram of Funds: Friar's Formation Slope Restoration Project (FFSRP).

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-316)

Authorizing the City Auditor and Comptroller to reprogram TransNet Fund 30300, CIP-12-133.0, Canyon Lake and Pinetree Storm Drain, in an amount not to exceed \$10,033.07; and to reprogram TransNet Fund 30300, CIP-12-135.0, Washington Street at Dove Street Storm Drain, in an amount not to exceed \$13,056.22, into CIP-12-097.0, Friar's Formation Slope Restoration Project;

Authorizing the City Auditor and Comptroller to amend the Fiscal Year 2002 Capital Improvements Program Budget by increasing CIP-12-097.0, Friar's Formation Slope Restoration Project, by an amount not to exceed \$23,089.29;

Authorizing the expenditure of an amount not to exceed \$23,089.29 from Fund No. 30300, Department 30244, Organization No. 102, Job Order No. 120970;

Authorizing the City Auditor and Comptroller, upon advice from the administrative department, to transfer excess budgeted funds, if any, to the

appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

In February 1998 a failure occurred in the slope below the properties at 5680 and 5690 Genoa Drive. At that time three pumping wells and one monitoring well were activated along Genoa Drive to lower the ground water table and help stabilize the slope. The Friar's Formation Slope Restoration Project (FFSRP) reconstructed the failed slope. At completion of this work, the wells were deactivated. The pumps have been shut off for many months and the wells now need to be properly abandoned and filled. Additional funds in the amount of \$23,000 are required to cover this and other related costs to close out the project.

FISCAL IMPACT:

\$10,033.07 in funding has been identified in Fund 30300, CIP-12-133.0, Canyon Lake and Pinetree Storm Drain; and \$13,056.22 in funding has been identified in Fund 30300, CIP-12-135.0, Washington Street at Dove Street Storm Drain. Both projects have been constructed.

Loveland/Belock/PB

Aud. Cert. 2200161.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-109: Ernestine Bonn Day.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-475)

Proclaiming September 29, 2001, as "Ernestine Bonn Day," in honor of her remarkable contributions to the Uptown Communities within the City of San Diego.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-110: Four actions related to Authorizing Suggestion Awards to City Employees.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-445)

Danny Blake - Police Department - \$2,500

Subitem-B: (R-2002-446)

Raquel E. Rodgers - City Clerk's Office - \$286.26

Subitem-C: (R-2002-447)

Larry Fregia - Police Department - \$624.30

Subitem-D: (R-2002-448)

Kathleen Henderson - Development Services Department- \$50

Ramon Portilla - Transportation Department - \$219.36

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-111: Appointments to the Citizens Equal Opportunity Commission.

(See memorandum from Mayor Murphy dated 8/7/2001 with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-455)

Council confirmation of the following appointments by the Mayor to serve as members of the Citizens Equal Opportunity Commission, for two-year terms as indicated:

<u>NAME</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
Joyce Ojibway Jennings (Reappointment)	American-Indian	January 1, 2003
Art C. Domingo (Replacing Juanita C. Santos, whose term has expired)	Filipino	January 1, 2003

Rev. Arthur Lawrence Cribbs, Jr. Black
(Replacing Clarence E. McCoy,
whose term has expired)

January 1, 2003

Julia Ashley Legaspi
(Replacing Dr. Dianette
“Doni” Mitchell, whose
term has expired)

City at Large

January 1, 2003

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-112: Cooperative Agreement for Traffic Signal at Washington Street and SR-163.

(Uptown Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-444)

Authorizing the City Manager to execute a cooperative agreement with CalTrans, for the design and construction of a traffic signal at the intersection of Washington Street and the State Route 163 on-ramps;

Authorizing the City Manager to accept \$40,000 from CalTrans to CIP-68-001.0, Cooperative Signal Projects;

Authorizing the City Auditor and Comptroller to amend the FY 2002 CIP budget by appropriating \$40,000 into CIP-68-001.0, Cooperative Signal Projects;

Authorizing the expenditure of an amount not to exceed \$120,000 from CIP-68-001.0, Cooperative Signal Projects (\$40,000 contingent upon a fully executed Cooperative Agreement with CalTrans and receipt of funds).

CITY MANAGER SUPPORTING INFORMATION:

This project will provide a traffic signal at the interchange of Washington Street and the northbound and southbound on-ramps to State Route 163. The project cost is estimated at \$120,000. The City will design and install the signal, and will contribute two-thirds of the construction cost (\$80,000) from CIP-68-001.0, Cooperative Signal Projects. \$70,000 of this funding is from FY 2001, and \$10,000 is from FY 2002. CalTrans will contribute one-third of the design and construction costs (\$40,000). Because two of the three legs of the intersection are City streets, the City is contributing 2/3 of the funds. The City will operate and maintain the

signal.

This action will accept the \$40,000 contribution from CalTrans and authorize the expenditure of \$120,000 from CIP-68-001.0, Cooperative Signal Projects.

FISCAL IMPACT:

\$120,000 from CIP-68-001.0, Cooperative Signal Projects.

Loveland/Gonzalez/AH

Aud. Cert. 2200306.

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:**

ITEM-200: Retention of IDEC Pharmaceuticals Corp. (Proposed Fee Reimbursement)

(See City Manager Report CMR-01-202. University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-467)

Declaring that the Council finds that the attraction of further investment from IDEC Pharmaceuticals would result in the retention and creation of quality jobs, tax revenue, and other economic benefits and is in the best interests of the City of San Diego;

Declaring that the Council finds that IDEC Pharmaceuticals proposes to invest substantial amounts for the purchase of industrial land, construction of new office and laboratory facilities, and new equipment used in conjunction with the expansion of research and development operations within the jurisdiction of the City of San Diego;

Authorizing the City Manager to negotiate and execute an agreement with IDEC Pharmaceuticals to (a) reimburse the Company for its expected future payment of Housing Impact Fees assessed and charged by the City for development of the project, following the Company's submission of documentation demonstrating that the City has received General Fund tax revenue exceeding the amount of the requested reimbursement, such reimbursement not to exceed \$614,000 in the

aggregate; (b) provide the sales/use tax rebates authorized through Council Resolution R-288034 for participation in the Business Cooperation Program;

(c) reduce by \$1,000 per equivalent dwelling unit (EDU) the normal charges of \$2,500/EDU for water and sewer capacity pursuant to Council Resolution R-294831; and (d) provide a certificate of exemption from potential future mandatory water conservation measures which could be adopted in the event of drought or “water warning,” on the property known as Lots 1 through 15 of Nobel Research Park pursuant to Council Resolution R-290822, amending Council Policy 400-09, and Ordinance No. O-18596 amending Section 67.3805 of the San Diego Municipal Code. Such agreement shall be subject to the Council’s annual review and approval during the adoption of the City’s budget. The Agreement shall contain the following provisions:

1. The maximum amount of the Housing Impact Fee reimbursement shall not exceed \$614,000, irrespective of the number, size, type, or use classification of the buildings ultimately constructed by IDEC at Nobel Research Park; and
2. The Housing Impact Fees will not be reimbursed until and unless IDEC has provided to the City documentation demonstrating that the City has received General Fund tax revenues such as sales tax, use tax, property tax, business license tax, or some combination of such taxes which are directly attributable to the purchase, development, and use of the proposed headquarters/research and development complex to be constructed at the property currently known as Nobel Research Park; and
3. IDEC shall participate in the Business Cooperation Program by self-assessing California use taxes, and shall properly report and allocate, and/or cause to be properly reported and allocated, such sales and use taxes to the City of San Diego as the situs of the transaction, or adopting proprietary strategies and protocols which result in the City of San Diego receiving all or substantially all of the 1% local portion sales and use taxes associated with the development and its use; and
4. IDEC shall participate in the Guaranteed Water for Industry Program by utilizing reclaimed water in the cooling towers associated with the buildings to be constructed at Nobel Research Park, and by adopting the “Best Management Practices for Potable Water Conservation” for all these same buildings, to the extent allowed by the Food and Drug Administration; and
5. The incentives authorized will be provided to IDEC or any of its successors or assigns if the facility is not occupied, or will not be occupied

by IDEC Pharmaceuticals, Inc. or a wholly-owned subsidiary of IDEC Pharmaceuticals, Inc.

Authorizing the City Auditor and Comptroller, upon the direction of the Financial Management Director, to appropriate sales, use, property, and/or business license tax revenues paid by the Company to reimburse IDEC for Housing Impact Fees paid by or for IDEC;

Directing the City staff to take all actions necessary to implement the agreement.

ADOPTION AGENDA, DISCUSSION, HEARINGS

SPECIAL HEARINGS:

ITEM-201: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

A. Property: An approximately 4.92 acre portion of the 38 acre San Diego Sports Arena site (APN-441-590-04).

Agency Negotiator: Real Estate Assets Director.

Negotiating Parties: Arena Group 2000 as operator of the San Diego Sports Arena.

Under Negotiation: Terms of New Ground Lease Agreement for three (3) pad sites to be used by retail subtenants.

B. Property: Torrey Hills Neighborhood Park YMCA (APN-307-451-57).

Agency Negotiator: Real Estate Assets Director.

Negotiating Parties: YMCA.

Under Negotiation: New lease terms.

Prior to Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) these issues are listed on the docket only for public testimony.

There is no Council discussion of this item. The City Council's actions are:

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matters to Closed Session on October 9, 2001 and if not

heard on October 9, 2001; refer to Closed Session on October 16, 2001.

NOTE: Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who then shall transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the March 5, 2002 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	9/14/2001	127	LAST DATE (10:00 a.m.) for public to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	9/26/2001	160	Rules Committee Review
Tuesday	10/23/2001	133	LAST DATE for City Manager, department or other public agency to submit ballot proposals to City Clerk for placement on Council Docket
Monday	10/29/2001	127	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	11/05/2001	120	Council adopts propositions for ballot; directs City Attorney to prepare ordinances
Tuesday	11/20/2001	105	
Monday	11/26/2001	99	Council adopts ordinances prepared by City Attorney
Friday	12/07/2001	88	Last day for City Clerk to file with Registrar of Voters all election material
Thursday	12/20/2001	75	Last day to file ballot arguments with City Clerk

If you have any questions, please contact the Office of the City Clerk, at 533-4025.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-251: Notice of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivisions:

SUBDIVISION

Westview II

AREA

Pacific Beach Community

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director or Planning and Development Review or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-252: Settlement of the Personal Injury Claim of Brian Santos.

(R-2002-452)

Adopted as Resolution R-295511.

A Resolution approved by the City Council in Closed Session on Tuesday, September 25, 2001, by the following vote: Peters-not present; Wear-yea; Atkins-yea; Stevens-not present; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$70,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury to Brian Santos (Superior Court Case No. 753646, Brian Santos v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$70,000 made payable to Brian Santos and his attorney of record, Mark D. Anderson, in full settlement of all claims.

Aud. Cert. 2200324.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect

the adoption of this Resolution. It does not require any further Council action.

ITEMS PULLED FROM CONSENT AGENDA

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT